

**§ 52.2441 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

(a) The owner and operator of each source and each unit located in the State of Virginia and for which requirements are set forth under the TR SO<sub>2</sub> Group 1 Trading Program in subpart CCCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated by the promulgation of an approval by the Administrator of a revision to Virginia's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Virginia's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48376, Aug. 8, 2011, as amended at 77 FR 10334, Feb. 21, 2012]

**§§ 52.2442–52.2449 [Reserved]****§ 52.2450 Conditional approval.**

(a) Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the

following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

(b) Virginia's severe ozone nonattainment area SIP for the Metropolitan Washington area, which includes the 1996–1999 portion of the rate-of-progress plan submitted on December 19, 1997 and May 25, 1999 and the transportation control measures in Appendix H of the May 25, 1999 submittal, and the severe ozone attainment demonstration submitted on April 29, 1998, August 18, 1998, February 9, 2000, and section 9.1.1.2 of the March 22, 2000 submittal and the transportation control measures in Appendix J of the February 9, 2000 submittal, is conditionally approved contingent on Virginia submitting a revised SIP by April 17, 2004 that satisfies certain conditions. This conditional approval also establishes motor vehicle emissions budgets for 2005 of 101.8 tons per day of volatile organic compounds (VOC) and 161.8 tons per day of nitrogen oxides (NO<sub>x</sub>) to be used in transportation conformity in the Metropolitan Washington, DC serious ozone nonattainment area until revised budgets based upon the MOBILE6 model are submitted and found adequate. Virginia must submit a revised SIP by April 17, 2004 that satisfies the following conditions.

(1) Revises the 1996–1999 portion of the severe area ROP plan to include a contingency plan containing those adopted measures that qualify as contingency measures to be implemented should EPA determine that the Washington area failed to achieve the required 9 percent rate-of-progress reductions by November 15, 1999.

(2) Revises the 1999–2005 portion of the severe area rate-of-progress plan to provide MOBILE6-based mobile source emission budgets and adopted measures sufficient to achieve emission reductions of ozone precursors of at least 3 percent per year from November 15,